

BAR BULLETIN

PUBLISHED BY THE LOS ANGELES BAR ASSOCIATION

LEADING ARTICLES

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**Remember the Meeting of Members
UNIVERSITY CLUB, TUESDAY, NOVEMBER 26
Amendments to the By Laws to Be Voted Upon
Dinner at 6:30 P. M.**

Vol. 16

NOVEMBER, 1940

No. 3

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BAR BULLETIN

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VOL 16

NOVEMBER, 1940

No. 3

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BAR MEASURES DEFEATED

Propositions Nos. 6 and 7, sponsored by the State Bar, were defeated at the recent election; No. 7, definitely so. There is a bare possibility that No. 6, when the absentee ballots are tabulated, may pull through. At this writing however, there is very little hope of its survival.

Thus once again the public has turned thumbs down on bar-sponsored measures, framed and urged in the public interest, as must have been obvious to anyone who took the time to read the statements in favor of 6 and 7.

What, then, is the reason for their defeat? To anyone who followed the publicity against these measures—particularly No. 7—the answer is clear: The opposition of and the misrepresentation by some individuals and a large section of the press, as to their meaning and purpose.

We all know that No. 6 provided for judicial review of decisions of statewide boards and agencies, and some of the more progressive press supported it. We know, too, that No. 7 was a proposition to "streamline" the courts and provide speedier termination of litigation. In spite of the support of the Judicial Council, individual judges of most of the courts, and the almost unanimous support of the bar, No. 7 was overwhelmingly defeated. The heaviest "no" vote was in Los Angeles County, where press opposition was strongest.

Representations to the public by a few individuals, through certain newspapers, as to the intent of the bar in sponsoring No. 7, and its effect if adopted were so outrageously unfair and untrue as to be fantastic. No one could read the provisions of No. 7 and correctly conclude that its effect, if adopted, would make the judges of the Superior and Municipalities Courts subject to election on the same form of ballot as that now used for elections of judges on the appellate courts. That was the statement given wide publicity in some newspapers.

BAR ASSOCIATION LUNCHEONS ARE DIFFERENT

IT MUST be conceded Los Angeles is Luncheon "Clubbed" to death. Every issue of the Journal and News carries the announcement of some luncheon for lawyers. In addition there are the frequent luncheons of the Service Clubs, Fraternal Orders, State Societies, etc., to one or more of which most lawyers belong.

If the Bar Association Bi-monthly Luncheons were just another meeting with the standard fare in food and speech, they would not, in my opinion, be worth the effort involved. The field is already overcrowded. These bi-monthly meetings, however, are different. *Their purpose is to provide useable information for lawyers, conveyed in a talk on a practical, every-day legal subject.* The idea is to afford the busy lawyer an opportunity to gather such information with the least possible expenditure of time and effort.

The average attendance at these luncheons has doubled during the last six months. The Los Angeles Athletic Club has been very co-operative in lending its facilities and the lawyers seem to prefer a private club to a public hotel. It has been observed that once a lawyer attends a meeting he is likely to return. The problem then is to persuade the neophytes.

Granting the validity of the objective and the merit of the programs presented, the committee feels justified in making every effort to increase the attendance. Because the meetings are under the sponsorship of the Los Angeles Bar Association, a belief prevails that only members of that association are privileged to attend. That is not true and on the contrary *all lawyers as well as interested laymen are welcome.*

The committee is grateful for the co-operation it has received from the bar at large and is encouraged to continue its efforts in the future.

The next meeting will be held on Tuesday, November 26, at which time Mr. Melvin Wilson of the firm of Miller, Chevalier, Peeler & Wilson, will discuss the new Excess Profits and War Tax Act. This subject is one which will come to the attention of most lawyers within the next few years. It will not descend upon them as a complete and unheralded stranger if they will have attended this meeting. Melvin Wilson restricts his practice strictly to the field of taxation and is eminently qualified to speak on this subject.

The meeting will be held in the Blue Room of the Athletic Club, luncheon will be served at 12:15, with the usual price of 81 cents. The committee solicits the continued interest and support of the bar.

CLYDE C. TRIPLETT, *Chairman,*
Committee on Bi-weekly Luncheon Lectures,

THE JUNIOR BARRISTERS' RADIO PROGRAM

By Gordon L. Files, of the Los Angeles Bar

"THE LAWYERS' STORYBOOK", the regular weekly radio quarter-hour sponsored by the Los Angeles Bar Association, is so far as is known, the only broadcast of its kind in the world. Each Thursday at 6:45 P. M. over Station KFAC a member of the Bar tells an interesting, true story which has to do with lawyers and the law. The program is designed to serve as an integral part of the public information work of the Association, and at the same time is intended to have sufficient entertainment quality to attract and hold an audience. The stories which have been used are not limited to any particular type or style. One may give the colorful background of a case of historic importance, like the two which were printed in recent issues of the BAR BULLETIN,* while another may relate a hitherto untold tale of how some poor fellow here in Los Angeles has found justice in the process of our courts. The only limitation upon subject matter is that the story must be interesting to the layman and based upon facts showing a lawyer or a judge doing his work as it should be done. The Bar Association can not prevent writers, motion picture producers, and professional radio dramatists from repeatedly portraying lawyers in unflattering roles; but we can and do have the opportunity to counter that situation, in a small way, by giving to the public a few stories in which the lawyer is not the villain, but the hero of the piece.

The real object of the Los Angeles Bar Radio program is to show the law in action. Unlike other Bar broadcasts, "THE LAWYERS' STORYBOOK" features neither explanations of the law nor patriotic addresses. The story is the entire program. Rather than deliver a lecture to laymen on the rules of evidence, the purpose is to demonstrate, in a story taken from life, how a lawyer has brought out the truth and obtained a just judgment through the skillful examination of a witness under the rules of evidence.

The radio time is donated to the Los Angeles Bar Association by the management of Station KFAC.

The Committee of Junior Barristers who produce this program each week is composed of the following: Gordon L. Files, Chairman; Sidney H. Wall, Leslie Tupper, Roger Alton Pfaff, Maurice O'Connor, Francis John Finucane, Carl Stutsman, Jr., James Brown and Judd Downing. Although many of the stories have been prepared and delivered by members of the Committee, a total of 28 other attorneys have taken part since the beginning of the year. Participation is not limited to Junior Barristers. Any member who has a good story that he is willing to put into a fourteen minute radio script is invited to communicate with the Chairman of the Committee.

Through the work of Harold W. Schweitzer, who is both Chairman of the Los Angeles Junior Barristers and also a member of the Council of the Junior Bar Conference of the American Bar Association, steps are being taken to integrate the work of the local committee with the national organization. Scripts are being exchanged and compared, and local groups are reporting their experiences to each other. It is hoped that eventually, by drawing upon talents from all parts of the country, outstanding programs can be prepared on a national scale for local release as an important part of the public information work of the Bar Associations.

Footnote: "The Dartmouth College Case," by Francis McEntee, Bar Bulletin, Vol. 15, p.265; "The Trial of Peter Zenger," by Leslie Tupper, Bar Bulletin, Vol. 16, p. 17.

PRISON SYSTEM DEFICIENT AND INADEQUATE IN CALIFORNIA

"MUCH as we may dislike to hear it, the unpalatable truth is that the prison system in California is deficient and inadequate in several important respects," said former Judge Isaac Pacht, now president of the State Board of Prison Directors, in an address before the Conference of California Judges, at Coronado recently.

"The two institutions now functioning, San Quentin and Folsom, are greatly overcrowded," said Judge Pacht. "San Quentin, with an inmate capacity of only 3493 men, has a present population of approximately 5,000 and has been as high as 6,000. Folsom, with a capacity of 2025, has a population of over 2900. San Quentin is the largest prison in the United States, whether state or federal. Neither the federal government nor any other state in the Union has been so unwise and backward in prison administration as to congregate within the walls of a single penitentiary such a large mass of delinquents as are confined within San Quentin Prison, and with such utter disregard of the most elementary principles of segregation. Within the prison yard are to be found in daily contact men who have been convicted of the most brutal and atrocious crimes, such as kidnapping, highway robbery, rape, murder for profit, and men, and in many instances boys, convicted of comparatively minor offenses, such as thefts, uttering of checks without sufficient funds wherewith to pay them, involuntary manslaughter arising from traffic accidents, and other offenses which are not the product of a premeditated, habitual criminal tendency. For lack of space all of these men are brought into close and continuous association, and it is not uncommon for a man who is serving a sentence for highway robbery to be celled with a man who has issued n.s.f. checks. The result of this mass overcrowding and lack of segregation, as can readily be seen, presents a most difficult problem of prison discipline and administration. . . .

"With the evils arising from such overcrowding as exists in our two prisons, there is the companion problem of idleness. With the exception of about 1000 men daily employed in the jute mill at San Quentin and about 225 in its furniture factory, and some in the quarry at Folsom, the population at both institutions are but spasmodically employed. Only a few hours of work per day per man are available at both San Quentin and Folsom, and conditions at the latter institution are particularly bad. . . .

"To effect much needed reforms in our penal system, Governor Olson has given the State Board of Prison Directors a free and untrammelled hand in the appointment of prison officials on the basis of merit alone. No element of political expediency has entered into any of our appointments, whether it be Warden of San Quentin, Chief Parole Officer, or any other prison official. . . .

"For years one firm in this state has been the beneficiary of the license plate contract, which, with the increasing use of automobiles and trucks, now probably amounts to an annual outlay of at least \$250,000. We can now utilize the existing stamping machinery at San Quentin to manufacture license plates and road signs, and in the process put a considerable number of men now idle to work. The same can be done at Folsom. . . . We have definitely determined to embark upon this enterprise and have instructed the wardens of both Folsom and San Quentin to put the machinery in motion for the manufacture of license plates."

NO DUES FOR MEMBERS WHILE IN MILITARY SERVICE

THE Los Angeles Bar Association Board of Trustees has adopted a resolution to remit the dues of those members who are inducted into the military service, both Army and Navy, for the term of such service. The resolution follows:

WHEREAS, certain members of this Association have recently joined the United States Army, and certain other members have recently joined the United States Navy, and

WHEREAS, a number of members of this Association shortly will be called upon by the United States Government to engage upon one year's military training under the "Selective Training and Service Act of 1940," and

WHEREAS, such services are to be highly commended and encouraged, and

WHEREAS, the financial remuneration received by men in the armed forces of the Government is limited,

Now, THEREFORE, BE IT RESOLVED that members of this Association who serve the United States Government in either the Army or the Navy shall not be required to pay dues to this Association for the period of time they are actually in service, and

FURTHER, that this Resolution shall be in full force and effect until revoked by this Board of Trustees.

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**AMENDMENTS TO BY-LAWS
TO BE VOTED UPON NOVEMBER 26**

Los Angeles, California
November 18, 1940

**NOTICE OF PROPOSED AMENDMENTS TO BY-LAWS OF
THE LOS ANGELES BAR ASSOCIATION**

TO THE MEMBERS OF THE LOS ANGELES BAR ASSOCIATION:

Please be advised that in accordance with Article X of the By-Laws of the Los Angeles Bar Association,

YOU ARE HEREBY NOTIFIED that there have been presented to the Board of Trustees proposed amendments to Sections 2, 4 and 7 of Article II of the By-Laws. The sponsor of the proposed amendments will move the adoption thereof at the November Monthly Meeting of the Association which will be held on Tuesday, November 26, 1940, 6:30 P. M., University Club, 614 South Hope Street, Los Angeles, California.

The proposed amendments as submitted to the Board of Trustees, pursuant to Article X of the By-Laws, are as follows:

"To The
Board of Trustees
of the Los Angeles Bar Association
1124 Rowan Building
Los Angeles, California

Gentlemen:

The following amendments to Article II of the by-laws of the Los Angeles Bar Association are hereby proposed and submitted to the Board of Trustees in accordance with the provisions of Article X of said by-laws, with the request that the Board of Trustees notify the membership that the sponsor of said proposed amendments will move the adoption thereof at the monthly meeting of the Association to be held on Tuesday, November 26, 1940, at 6:30 p. m., at the University Club, 614 South Hope Street, Los Angeles, California.

(1) It is proposed to amend section 2 of Article II of the by-laws, entitled "Elections," to read as follows:

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Section 2. NOMINATING COMMITTEE. A nominating committee consisting of fifteen members of the Association shall be elected at the regular monthly meeting of the Association held in November in each year. Candidates for the nominating committee shall be nominated from the floor at said meeting, and not otherwise. No member of the Association shall be entitled to nominate more than two (2) candidates for the nominating committee. After nominations of members for said committee have been closed the members of the Association present at said meeting shall by ballot vote upon those nominated, and the fifteen having the highest number of votes shall thereupon constitute the nominating committee. Said nominating committee shall meet upon the call of the secretary of the Association prior to December 1st of said year, shall select its own chairman, and shall nominate one member of the Association for each of the offices of president, senior vice-president, and junior vice-president, ~~and one member of the Association for each position of trustee to be filled at the election, and not less than two (2)* active members for each position of trustee to be filled at the election from the active members of the Association, and one affiliated member for each position of trustee to be filled at the election from the affiliated members of the Association.~~** The report of the nominating committee stating the names of the persons so nominated for the respective offices shall be forwarded to the secretary of the Association and shall be by him posted on the bulletin board of the County Law Library on or before December 5th of said year.

(2) It is proposed to amend section 4 of Article II, to read as follows:

Section 4. BALLOTS. A ballot containing the names of the nominees for each office and with a blank "write in" space after each office shall be mailed to each member of

*NOTE: So as to provide for the nominating committee to nominate at least two members, rather than only one as at present, for each position of trustee to be filled at the election from the active members of the Association.

**NOTE: The proposed amendment will serve to add to existing provisions those portions underscored above, and to delete the provisions indicated.

the Association entitled to vote not later than December 31st of each year. The ballot shall be in such form and shall contain such instructions as may be prescribed by the Board of Trustees; provided that the names of all nominees for the position of trustee to be elected from the active members of the Association shall be placed in alphabetical order in a single column on the ballot with four (4) blank "write in" spaces immediately following the last name listed in such column; and provided further that each ballot shall contain instructions to the effect that each member shall be entitled to vote for as many nominees or other active members of the Association for the position of trustee as there shall be positions of trustee to be filled at the election from the active members of the Association.*

(3) It is proposed to amend section 7 of Article II, to read as follows:

Section 7. VOTES TO ELECT. A plurality of votes cast shall elect. In case two or more candidates for one office shall receive an equal number of votes, a ballot shall be taken at the first regular monthly meeting thereafter as between such candidates. Those active members equal in number to the positions of trustee to be filled at the election from the active members of the Association, who shall receive the greater number of votes, shall each be declared to be a "trustee elected from the active members of this Association" within the meaning of the provisions of section 2 of Article V of the Constitution of the Association.*

Dated: November 1, 1940.

Respectfully submitted,

JACK W. HARDY "

*NOTE: The proposed amendment will serve to add to existing provisions the portion underscored above.

Article X of the By-Laws further provides that:

"Upon the consideration of any proposed amendments at any meeting, amendments thereto on the same subject may be offered, voted upon and adopted at the same meeting without previous notice."

Respectfully submitted,

WILLIAM C. MATHES, *Secretary*
LOS ANGELES BAR ASSOCIATION

NOTICE OF ELECTION OF NOMINATING COMMITTEE

Pursuant to the By-Laws of the Los Angeles Bar Association a Nominating Committee of fifteen must be elected at the November meeting. This Committee will then nominate candidates for offices to be filled in 1941, said candidates to be voted upon by the general membership in January, 1941.

Respectfully submitted,

WILLIAM C. MATHES, *Secretary*
LOS ANGELES BAR ASSOCIATION



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NEW MEMBERS AND REINSTATEMENTS DURING 1940

The growth of the membership of the Association during the first six months of 1940 is evidenced by the list of new members and the reinstatements of many others who had previously dropped out. The list follows:

*Earl C. Adams
Harry Aides
*John Boyd Anson
William C. Babcock
John William Baker
G. Gailliard Baumen
George Lewis Beckwith
Richard C. Bergen
Robert L. Beveridge
*Eugene U. Blalock
Eliot M. Blanchard
*Eugene H. Blanche
*Charles L. Blek
Wallace Bonaparte
*Bates Booth
Grover Bossert
Manley J. Bowler
James Harvey Brown
W. A. Bullis
Charles H. Carr
Gertrude R. Chamberlin
William Benjamin Cleves
E. Max Cohen
*Edward L. Compton
Fred G. Conrad
Felix M. Cunningham
Glenn H. Cutler
William M. Curran, Jr.
E. Eugene Davis

Arthur H. Deibert
Robert H. Dietrich
C. Gordon Douglas
Joseph H. Edgar
William Henry Ernst
*David P. Evans
John W. Findlater
Patrick Henry Ford
Conrad Louis Gardner
Maynard Garrison
Vincent Peter Di Giorgio
J. R. Girling
John Oliver Goldsmith
George Gore
*Louis Greenbaum
Allan J. Greenberg
Alvin W. Hahn
Edwin F. Hahn, Jr.
*William U. Handy
Malcom Harris
Marshall Hickson
*Harold K. Hotchkiss
*Milton T. Hunt
Alfred B. Hunter
Howard W. Hunter
Lawrence E. Israel
*George D. Jagels
Peter Donnell Knecht
Leroy J. Koos

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 Charles A. Loring
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 William Lyons
 A. Stewart Maddox, Jr.
 *Milton M. Maharam
 John Laurie Martin
 Walter I. Martin, Jr.
 William P. Martin
 Glenn B. Martineau
 Fred J. Martino
 Mary H. McCarroll
 James L. McCormick
 Cornelius W. McInerney, Jr.
 *William B. McKesson
 Robert A. McMillan
 Eldon V. McPharlin
 David S. Mellinkoff
 J. J. Moidel
 *Claude B. Morton
 John Bricker Myers, Jr.
 *Kenneth C. Newell
 H. Burton Noble
 *Reuel L. Olson
 Robert S. Patterson
 *Donald R. Peck
 Louis J. Regan
 *Charles F. Reiche
 Victor M. Reid, Jr.
 Aaron S. Resnik
 John T. Rickard
 John M. Robinson, Jr.
 William Rohkam, Jr.
 *John Lincoln Rowland
 Monroe R. Rubin
 *Milan E. Ryan
 Richard Frederick Ryan
 Louis Sampson
 Julius L. Samson
 Willis Sargent
 George E. Saunders
 Fred H. Schmidt
 Robert A. Schwamb
 Edwin Franklin Shinn
 William Hawes Smith
 Seymour D. Sommer
 William D. Sommers, Jr.
 Irvin Stalmaster
 Edward B. Stanton
 Saniel Norman Stevens
 James B. Stoner
 *Herbert F. Sturdy
 Henry J. Sullivan
 Paul E. Sullivan
 Lester Van Tatenhove
 Samuel Taylor
 *Woodward M. Taylor
 *Henry R. Thomas
 H. Benjamin Thompson
 Robert A. Thompson
 Frank William Troost
 John Joseph Varni
 Bertin Weyl, Jr.
 *Hon. Bertin A. Weyl
 Donald B. White
 George H. Whitney
 Frank Wickhem
 Philip L. Wilson, Jr.
 George G. Witter
 Miriam E. Wolff
 Rollin E. Woodbury
 Arthur Wright, Jr.
 Lauren M. Wright

*Reinstatements.

DECEASED MEMBERS, 1940

- | | |
|----------------------|-----------------------|
| Hon. C. A. Ballreich | Hon. William P. James |
| Eugene H. Blanche | Oscar J. Seiler |
| Eli F. Bush | Hon. William H. Waste |
| D. Joseph Coyne | Olin Wellborn, Jr. |
| William H. Holcomb | |

WHAT'S NEW AT THE LAW LIBRARY

By Thomas S. Dabagh, Librarian

DICTATING MACHINES. The Dictaphone and Ediphone machines available without charge at the library are being used on an average of four times a week, the Reference Department reports. Attorneys who wish to reserve a machine for use at any particular time may do so by telephone.

REFERENCE LIST. The visible-file "subject index" to current and standard materials is now complete, except for cross-references. New material will be added on receipt, and the Reference List constantly revised to perfect it as a quick-search tool.

UNION LIST OF PERIODICALS. The Law Library is cooperating with all other libraries in the region in preparing a cumulated list of sets of magazines and reviews to be found in Southern California library collections. When the list is published it will be possible to determine quickly in which libraries a particular set may be found. Publication of the list is being undertaken by the Southern California Chapter of the Special Libraries Association, but it may be purchased by non-members, which may be of interest to some firm libraries.

NEW BOOKS

For references to current law review articles, attention is called to the column "Reviewing the Reviews" by William B. Stern, which appears from time to time in the Los Angeles Daily Journal and the News.



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ADMINISTRATIVE LAW. All fifty titles of the Code of Federal Regulations have now been received, together with a supplementary volume which brings the material to the end of 1938. Subsequent regulations, of course, are to be found in the Federal Register.

ALIENS. Sidney Kansas' Immigration, Exclusion and Deportation, and Citizenship, 2d edition, aims to present a complete treatise on the Federal law relating to aliens. Fraser's Control of Aliens in the British Commonwealth of Nations offers a similar treatise for the United Kingdom, Canada, Australia and South Africa, together with a general chapter on Aliens in Time of War.

BUSINESS REGULATION. Public Regulation of Competitive Practices in Business Enterprise, by Watkins, discusses price, sales promotion and trade relations practices and controls. The Robinson-Patman Guide Book is a digest in trade language of F T C orders, and of court decisions, on "fair trade" matters, with comments intended to be helpful to the dealer in complying with the law.

The subject of Treble Damages Under the Anti-Trust Laws is covered by Hadlick in a chronological review of leading cases.

CONSTITUTIONAL LAW. The Bacon Lectures on the Constitution of the United States is the publication of a decade of talks at Boston University on the antecedents, history, and doctrines of our Constitution, by such authorities as Howard Lee McBain, Charles Warren, and Edward S. Corwin. Leading Constitutional Decisions, by Cushman, 7th edition, presents a compact review of constitutional law, with brief explanatory texts introducing pertinent extracts from leading decisions. Shriver's Judicial Opinions of O. W. Holmes consists of a

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selection of his Massachusetts opinions on constitutional law, and excerpts from his other opinions.

The constitutional law of other countries is represented by a volume on Expropriation in Mexico, by Gaither, and one on the Essentials of Japanese Constitutional Law, by Fujii. The latter is an attempt to explain to Occidentals the nature of the Japanese State, and its fundamental legal machinery and principles.

DECLARATORY JUDGMENTS. A new treatise by Anderson is intended to offer a practical explanation of what to do and how to do it in seeking declaratory relief.

FAMILY LAW. Clarke's Social Legislation is a survey of the law relating to the family and to the poor. Its purpose is to show the interrelation of the law, social science, and social work.

FEDERAL PRACTICE. The Hughes set is brought up to date by three supplementary volumes, which incorporate the new procedure, and which are cross-referred to by the new pocket parts to the main set.

LABOR LAW. Fisher's Industrial Disputes and Federal Legislation is a thorough historical and comparative study of all phases of the subject.

LEGISLATION. A realistic approach to legal phases of the legislative process and to statutory interpretation is presented by Horack's Cases and Materials on Legislation.

MEDICO-LEGAL. A book by Eilman and one by Gonzales, *et al.*, add to the substantial collection of materials on the medico-legal aspects of criminal investigation and occupational diseases.

S. E. C. Democracy and Finance consists of collected addresses and public statements of Douglas as Chairman of the S. E. C. A rationale of legal control of corporate financing is presented.

Greidinger's Accounting Requirements of the S. E. C. offers a detailed analysis of the practices approved by the Commission under the law and the Commission's rules.

WAR LAW. The C. C. H. War Law Service has added a Foreign Supplement, to cover laws and regulations, arising out of war conditions, which affect American business.

Japan's Wartime Legislation, 1939, is a translation of laws to safeguard military secrets, and those relating to aliens, propaganda, the control of supplies, and similar subjects.

IMPORTANT NOTICE TO MEMBERS

HAVE YOU registered in the Lawyers Reference Service? If not, you should do so before December 31st.

In the event you have mislaid your registration forms, the office of the Association will furnish additional forms and complete information upon request. Phone TUCKER 8118.

This matter is of importance to you and to the Association.

VERNON P. SPENCER,
*Chairman, Committee on
Lawyers Reference Service*

ACTIVITIES OF JUNIOR BARRISTERS

By Hudson B. Cox, of the Los Angeles Bar

THIS monthly feature of the Junior Barristers unfortunately missed the BULLETIN last month and appeared instead in the Los Angeles Daily Journal and the Los Angeles News for October 14th. Hence those, if any there be, who are interested in this chronicle of the younger members of the Bar are directed to that source for news of the organization's activities during September and October.

November 1st witnessed the second of the Junior Barrister's stag parties held this time at the Los Angeles Brewing Company (Eastside). Some sixty younger members of the bar disported themselves with various of the clerks of the Superior and Municipal Courts in an atmosphere of barbecued beef and Eastside product to the tuneful melodies of Tony Arette's accordin and the eye-pealing contortions of graceful Grace Lee, a danseuse. The lack of a larger turnout was attributable largely to the fact that November 1st happened to coincide with the U. C. L. A. somecoming festivities, pre-game dinners and sundry other competitive attractions. However, those that paid their dollar and registered for the Junior Barristers B Day draft at the Eastside entertainment room were unanimous in clamoring for a repeat performance.

Next on the social agendum of the Junior Barristers is the Doctor-Lawyer's party called for Friday, December 6th. Stanley Gleis, representing the young lawyers and Dr. Robert Moes representing the Junior Section of the Los Angeles County Medical Association (to wit: the young doctors) have spared no effort in preparing for this edition of the annual battle of the professions and between them have concocted a party which should well surpass its successful predecessors. The ballroom at the Elk's Club has been hired for the evening and more than one hundred dollars laid aside for entertainment. Judge Leroy Dawson has consented to act as toastmaster for the evening and if the doctors outdo the young lawyers in attendance, he has threatened to cast aside his robes of office and take up the study of medicine.

Of more serious mien for the Junior Barristers is their responsibility for the January meeting of the Los Angeles Bar Association. Calvin Helgoe has been appointed Chairman of a committee having charge of all arrangements for the dinner meeting, which it is presently anticipated, will be held as usual on the third Thursday in the month at the University Club. The meeting will be dedicated to and will honor the Justices of the Supreme Court and it is hoped that Mr. Chief Justice Gibson will consent to be speaker for the evening.

Designed to coincide with this meeting of the Association another group of the Junior Barristers under the leadership of Leslie Tupper is taking over the editorship and publication of the January issue of the BULLETIN which likewise will be dedicated to the Supreme Court of the State. It is proposed that this issue of the BULLETIN should be devoted entirely to articles and anecdotes upon

the history of the court, its more celebrated members and decisions and the part it has played in molding the jurisprudence of our State.

The Radio Committee of the Junior Barristers has continued to put on the air each week additional chapters in its Lawyer's Storybook series. The time of this program was changed during the month from Saturday to Thursday night at 6:45 P. M. over Station K.F.A.C. Speakers on the program were Thomas Ryan who told an interesting story out of the early life of Andrew Jackson, Richard Ryan who related the condemning evidence adduced in the notorious Durant murder case and Gailliard Bauman who spoke of "Daniel Webster, the Young Lawyer of Portsmouth." Not content alone with its weekly broadcast, the Committee has arranged under Jerome Ehrlich, as writer, producer and director, to present a radio play based upon an incident in the life of Abraham Lincoln, called "The Counsel Assigned"; script for the play is now in the hands of Station K.F.I. over which station it is hoped it may be presented toward the end of this month. In the cast, which has already made a transcription of the play, are Wayne Veatch, Joe Brenner, Francis McEntee, Perry Bertram, Wallace Bonaparte, Theodore Levitan and Jim Brown as Lincoln.

Those old standbys and two of the hardest working committees in the organization, the Legal Aid Committee and the Placement Bureau, have been carrying on in their unobtrusive but efficient way. The Placement Bureau announces the successful placing of more lawyers during the last month than during any single month since its inception, a result in large part attributable to the worthwhile efforts of the volunteers who have solicited employment opportunities in the various offices and organizations having need of lawyers or law trained men on their staffs. Noteworthy is the fact that more and more calls are being made upon the Bureau by lawyers and law offices outside the metropolitan area of Los Angeles due no doubt to the fact that the Placement Bureau of the Los Angeles Bar Association is the first and only such service organization of its kind for lawyers in the state.

Thus another month in the ever-growing history of the Junior Barristers passes into limbo leaving behind it an organization grown stronger in its worth to the young members of the Bar and to the public at large.

ATTORNEYS, ATTENTION:

If you are looking for offices, read the
Office Building ads in

THE BULLETIN

AN INCIDENT IN THE CAREER OF STEPHEN J. FIELD

*By Perry Bertram, of the Los Angeles Bar

BEFORE being elevated to the Supreme Court of the United States, where he served for many years, Stephen J. Field practiced law in California during one of the State's most colorful and exciting periods—the years immediately following the discovery of gold.

Mr. Field, a young attorney, who had been in partnership with his brother in the practice of law in New York, arrived in San Francisco late in December of 1849, with but ten dollars in his pocket. An expressman charged him seven dollars for his two trunks. He set forth to get some breakfast, and although he ordered the cheapest breakfast he could get, it cost him two dollars, leaving him with but a single dollar to his name.

He described his first moments in California in these words: "A solitary dollar was, therefore, all the money in the world I had left, but I was in no respect despondent over my financial condition. . . . There was something exhilarating and exciting in the atmosphere which made everybody cheerful and buoyant. As I walked along the streets, I met a great many persons I had known in New York, and they all seemed to be in the highest spirits. Everyone in greeting me, said, 'It is a glorious country,' or, 'Isn't it a glorious country?' or, 'Did you ever see a more glorious country?' or something to that effect. In every case the word 'glorious' was sure to come out. . . . I had not been out many hours that morning before I caught the infection, and though I had but a single dollar in my pocket and no business whatever, and did not know where I was to get the next meal, I found myself saying to everybody I met, 'It is a glorious country.'"

Young Mr. Field did, however, have a note for \$400.00 which his brother in New York had intrusted to him for collection, and in the course of the morning's ramble, the flaring office sign of Colonel Stevenson, the debtor, attracted his attention. Let him tell you in his own words of his interview with the Colonel:

"Of course I immediately entered the office to see the Colonel. He had known me very well in New York, and was apparently delighted to see me, for he gave me a most cordial greeting. After some inquiries about friends in New York, he commenced talking about the country. 'Ah,' he continued, 'it is a glorious country. I have made two hundred thousands dollars.' This was more than I could stand. I had already given him a long shake of the hand, but I could not resist the impulse to shake his hand again, thinking all the time of my financial condition. So I seized his hand again and shook it vigorously, assuring him that I was delighted to hear of his good luck. We talked over the matter, and in my enthusiasm I shook his hand a third time, expressing my satisfaction at his good fortune. We passed a long time together, he dilating all the while upon the fine country it was in which to make money. At length I pulled out the note and presented it to him. I shall never forget the sudden change, from wreathes of smiles to an elongation of physiognomy, expressive of mingled surprise and disgust, which came over his features on seeing that note. He took it in his hands and examined it carefully; he turned it over and looked at its

*This interesting incident was related on the Bar Association's radio program by Mr. Bertram.

back, and then at its face again, and then, as it were, at both sides at once. At last he said in a sharp tone, 'That's my signature,' and began to calculate the interest; that ascertained, he paid me the full amount due. . . . If it had not been for this lucky incident, I should have been penniless before night."

With his financial independence assured, at least for the next week or ten days, the cost of living being what it was in those days, Mr. Field took the next river steamer out of San Francisco to go as far as he could by river toward the most populous mining region in the state. At his destination he found a tent city of somewhere between five hundred and a thousand persons. He resolved to make this his home. Within an hour of his arrival he became a person of consequence by subscribing to town lots to the amount of \$16,250—and this, with but \$20.00 left to him of Colonel Stevenson's money!

It is only fair to say that such subscriptions were not considered binding contracts, but rather expressions of confidence in the town's future.

The evening following his arrival there was a social gathering in honor of the erection of the first frame house in the settlement. The enterprising young attorney seized the occasion to urge the organization of a town government. His remarks met with favor, and next morning his proposals were carried into execution at a public meeting. In the exciting election which followed, Mr. Field was chosen Alcalde of the new town, which, the inhabitants at a later meeting, proud of the almost unique distinction of the residence there of a respectable American woman, named, in her honor, Marysville.

Not long afterwards, having earned the respect and admiration of the community, Mr. Field was nominated for the lower house of the state legislature. His campaign involved considerable traveling, since his district comprised several thousand square miles, chiefly rugged mountains.

One morning, in the course of his journeyings, he was riding along a winding road in the mountains on his way to the next little mining community, when he spied in the distance a group of men and faintly heard a voice or two raised in excitement.

His interest aroused at this diversion, he spurred his horse and trotted to the scene of the activity. There, across the road from a wayside saloon, he found a lynch jury trying a man on the charge of stealing gold dust—one of the most heinous of offenses in a new mining community. After watching the proceedings for a while, he became impressed with the appearance of the prisoner, and found himself unconsciously taking his side and believing him innocent. Knowing that in the swift justice of those days, a trial by a lynch jury meant a conviction, and a conviction a hanging, he groped for a plan to save the man from the certain fate which faced him.

He finally decided on a course of action. During a temporary lull in the proceedings, he spoke:

"Gentlemen, my name is Stephen J. Field. I am a candidate for the legislature of this glorious state of ours, and I would be honored if you would join me across the way in a glass of refreshment."

In those days, such an invitation was seldom declined, and the foreman of the jury, nothing loath to quench his thirst, announced, "At this time, the court will take a brief recess," and led the way into the saloon across the road.

In the ensuing hustle and bustle and loud talk and coarse jokes which invariably accompanied the setting up of a round of drinks for the house, Mr.

Field unobtrusively slipped outside the door and took the occasion to speak to the prisoner who had been left outside. More and more he became impressed with the character of the man. After several moments, he returned to the bar, not the slightest doubt in his mind that the accused was telling the truth in professing his innocence.

"Another round of drinks," he proposed, "and cigars to everyone—the best you have, Mr. Barkeeper, it's not often that you have a candidate for the legislature among you."

As the bar-keeper refilled the glasses and the men were lighting up their cigars, drawing those first few satisfying puffs, those soul-comforting puffs, which only those to whom a good cigar is a real treat can appreciate, Mr. Field went from one little group to another, passing a word with this man, and returning a joke to that one, all the time studying each one and evaluating his character.

Then singling out the most benevolent looking man among the jury, he opened conversation with him:

"Well, my friend, how long have you been in California?"

"Let's see now, next Sunday it'll be—eight months."

"Where are you from?"

"Pennsylvania, sir."

"A beautiful state. Your family back there?"

"My mother, God bless her, and my sister and her husband."

A wave of homesickness swept over the juror, and his eyes began to glisten at the memories evoked by the interest which this candidate for the legislature was taking in him and his family.

Mr. Field paused a moment, then looking the man straight in the eye said, "Tell me, sir, what is the case against your prisoner? He too may have a mother and sister in the East, thinking of him as your mother and sister do of you, and wondering when he will come back. For God's sake, man, remember this."

His voice trembling and choked with emotion, the heart of the good man responded, "I will remember it, and thank you, sir."

A third glass all round, and with an ally from among the jurors, the young advocate thought it safe to speak to the jury about the trial.

"Gentlemen, you and I are proud of this glorious state of ours. California does have properly organized courts of law to protect you and me from criminals. Your prisoner out there may or may not be a criminal. He appears to be without any friends, and from what I heard of his trial, there was no one to speak in his defense. I appeal to you, gentlemen, as men of large hearts, to think how you would feel if you were accused of crime, and had no counsel and no friends to speak in your defense, and you realized you could not prove your innocence. If that man is innocent and you hang him, his blood will be a stain on your hearts and your conscience until your dying day. I ask you to send him to Marysville, where he will be tried according to law, where he will have the fair trial that each one of you would want if you were accused of stealing."

As he stopped speaking, the whispers which had begun to murmur during his last few words exploded into a din of loud talk and deafening arguments, each one trying to make himself heard above the rest. The men were divided about equally. One group was for immediately finishing the trial and hanging the defendant on the spot. The other, their hearts softened by the words of the candidate, considerably assisted by the drinks and the mellow cigars, was for following Field's suggestion and giving the man a legal trial at Marysville.

At the moment when the dispute between the two factions was at its loudest, by a fortunate coincidence, a teamster bound for Marysville drove up to the saloon and entered. As soon as it was known that he was driving to the town, the man to whom Field had spoken earlier boomed out, forcing the room to silence:

"Pardners, this is no accident. It was intended that this wagon should arrive here at this time to take the defendant to Marysville for trial. You cannot go against fate."

This turned the tide. The jury were prevailed upon to put the prisoner in charge of the teamster, who was bound under oath to deliver him to the sheriff. Mr. Field himself added the sanction of a fifty dollar gold coin as bond to assure his safe delivery.

The following week, upon his return to Marysville, Mr. Field hastened to the sheriff to inquire about the defendant. The trial, he was informed, was set for the following Friday. The sheriff admitted him to the jail house to see the prisoner. Upon learning that he did not have an attorney, young Field immediately volunteered his services.

"But, Mr. Field," protested the young man, "I have no money. I can't pay you to defend me."

"Forget it. I think you're innocent, and I'd be a poor excuse for an attorney, if I didn't do my best to help an innocent man."

The morning of the trial arrived. As Field walked across the street from his office to the court house, he observed just entering the building most of the men who made up the lynch jury which had released the defendant at his insistence. However, holding themselves a little bit apart from the rest were the four men who to the very last that day had remained unmoved by his pleas, and were insistent upon proceeding with the contemplated hanging.

A tougher, meaner, more determined group of miners, than these four, Mr. Field had never seen. With a gulp, he checked the brace of revolvers which he wore, loosened them in their holsters, and entered the court house.

Throughout the trial he felt the eyes of those four men burning little holes in his back. It was with the greatest effort of will on his part that he refrained from casting apprehensive glances over his shoulder. Each moment he expected to hear a shot, and feel the burning of a bullet in his back. Steeling himself against the nerve-wracking situation, the brilliant young attorney excelled himself in the conduct of the trial, and proved without a shadow of a doubt that the defendant was innocent. The jury returned a verdict of acquittal and the accused was set free.

With the profuse and heart-felt gratitude of his client expressed to him with tears in his eyes, the successful attorney turned to leave the court-room. He hesitated a moment at the door and looked up and down the street. There, sure enough, a short distance up the street were the four miners. At Field's appearance, they exchanged significant glances, slyly nudged each other, and nodded in his direction.

Never one to dodge a situation that had to be met, he set forth across the street toward his office, ready for any emergency, inwardly seething with excitement, yet outwardly cool and calm.

He reached the door of his office and entered. The men had made no threatening move.

No sooner, however, was he seated behind his desk, when a loud rap sounded on the door. Before he could speak, in trudged the four miners, their huge frames filling the small office, their unsmiling faces sinister and foreboding. Forming a rough semi-circle in front of his desk, they glared at him. The attorney's glance traveled from one to the other. He found no comfort in their appearance, and as his eye slowly came to rest on the leader, who from the moment of his entrance had kept his right hand concealed in his pocket, he muttered a quick prayer under his breath.

"Well, gentlemen?" he inquired.

"How much did Joe pay you to get him off?" growled the leader.

"Why, nothing, nothing at all. You see, he didn't . . ."

"We thought so," interrupted the spokesman. "Here, take this!" And slowly drawing his hand out of his pocket he placed on the desk before the astonished Mr. Field a sack of gold dust, representing a small fortune, and continued, "It won't do you no good to ask for any more. You did a good job in proving that he didn't do the stealing, but this is all the fee you're gonna get out of us."

And with that they turned and left the office.

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BAR TO AID LAWYERS ENTERING MILITARY SERVICE

TO protect, so far as practicable, the practice of members of the Los Angeles Bar Association who may be inducted into the military service, the Board of Trustees has adopted a resolution providing for the appointment of a special committee to consider plans to cooperate with such members during their absence.

The resolution follows:

WHEREAS, in aid of the national defense program, many members of the Bar of Los Angeles County are entering upon periods of active service in the armed forces of the United States; and

WHEREAS, such service, in most cases, calls not only for an actual financial sacrifice in income, but also entails the additional economic hazard of loss of practice upon return from service; and

WHEREAS, it is the duty of both the members of the Bench and the Bar, in aid of the national defense program, to assist in every practicable way those of our profession who enter active service;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Los Angeles Bar Association hereby empower and direct the President of the Association to appoint a special committee to be known as "The Committee to co-operate with Lawyers entering the Service"; and

BE IT FURTHER RESOLVED that it shall be the duty of such Committee to advise and co-operate with all members of the Bar of Los Angeles County who shall enter active service in aid of the defense program for the United States, with a view to minimizing in every feasible way the financial sacrifice necessarily entailed by such active service, and, in particular, to the end that the absence of all such members from the activities of their profession shall not result in any unnecessary loss of practice or clientele.

1940 DUES RESOLUTION OF BOARD OF TRUSTEES

RESOLVED, that each dues paying member of the Los Angeles Bar Association who has not paid his 1940 dues prior to December 1, 1940, shall at that time be notified that the Board of Trustees regrets to inform him that unless his dues are paid on or before December 15, 1940, the Association shall be compelled in compliance with the By-Laws to remove his name from the active list of members; and

FURTHER, that the names of all dues paying members who have not paid their 1940 dues prior to December 31, 1940, shall at that time be removed from the membership roll and placed upon the list of delinquent members.

Help! HELP!!

Help Your Association's Employment Office

You are urgently requested when in need of assistance to call upon the Association's employment office. The service is rendered without charge to either employer or employee. The office has on file a number of applications of men and women who are fully qualified.

Attorneys: There are a number of applications on file of attorneys who have recently been admitted, and a few experienced practitioners including the application of one attorney who has devoted approximately five years to trial work.

The office of the Association devotes considerable time to interviewing applicants for secretarial positions and when you use this service you are assured of securing a competent secretary of good appearance and personality. Salaries requested range from \$100.00 to \$150.00 per month.

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